

From: [Steve Erickson](#)
To: [Vakoc, Misha](#)
Cc: [Marianne Edain](#)
Subject: NPDES Permit WAS026611 (NAS Whidbey)
Date: Thursday, November 14, 2019 2:46:13 PM
Attachments: [19-11-14 WEAN Comments NPDES Permit WAS026611.docx](#)

Please see our attached comments for NPDES Permit WAS026611 (NAS Whidbey).

~Steve

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Dedicated to the preservation and restoration of the native biological diversity
of Whidbey Island and the Pacific Northwest

Nov. 14, 2019

TO: [Misha Vakoc\(vakoc.misha@epa.gov\)](mailto:vakoc.misha@epa.gov), EPA Region 10
FROM: **Steve Erickson, Litigation Coordinator**
RE: NPDES Permit WAS026611

On behalf of Whidbey Environmental Action Network I urge you to extend the public comment period for the NPDES Permit for Municipal Stormwater Discharges to Naval Air Station Whidbey Island, Washington WAS026611. There should also be re-consultation with NOAA per Endangered Species Act requirements because of the ongoing discharge of PFAS, which has only recently come to light.

The permit materials refer to current discharge of aqueous film forming foam (AFFF), implying that the concern is new potential discharge of fire-fighting foam. While any new discharges are of high concern, such discharge is likely to only be episodic (i.e., when there is a fire).¹ However, it has recently been discovered by the public that PFAS is being continuously discharged from the subject area. This ongoing discharge has only recently come to light as far as the public is concerned. The Navy did not publicly disclose the results of the testing that it conducted revealing this pollution, either to directly affected people or the public at large. Rather, those test results were buried under layers of web pages. EPA permit writers admit to being unaware of the discharges. For these and other reasons, the draft permit should be revised with a new fact sheet and public comment period.

The waters of Dugwalla Bay and the Strait of Juan de Fuca are rated as "extraordinary" in terms of their importance and value to marine life.² PFAS are persistent and bioaccumulative. Chemicals within this family are known to have impacts on some vertebrates that are consistent with the reproductive (and other) problems experienced by Endangered Species Act (ESA) listed Southern Resident Orca. Indeed, the Governor's Southern Resident Orca Task Force considered "legacy and new toxic contaminants" as one of three primary factors threatening this population.³

¹ p. 7. Fact Sheet; National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Stormwater Discharges to: Naval Air Station Whidbey Island, Washington WAS026611.

² p. 9. *Ibid.*

³ p. 73, Southern Resident Orca Task Force, Report and Recommendations, Nov.16, 2018.
https://www.governor.wa.gov/sites/default/files/OrcaTaskForce_reportandrecommendations_11.16.18.pdf
Earlier drafts of Task Force recommendations specifically include PFAS. See p. 25, Draft Orca Task Force recommendations – October 24, 2018.
https://www.governor.wa.gov/sites/default/files/Draft_recommendations_OrcaTaskForce_10-24-18.pdf

Washington's water pollution rules are explicit, that:

"Toxic substances shall not be introduced above natural background levels in waters of the state which have the potential either singularly or cumulatively to adversely affect characteristic water uses, cause acute or chronic toxicity to the most sensitive biota dependent upon those waters, or adversely affect public health, as determined by the department."⁴

The purpose of Washington's anti-degradation policy includes to "Restore and maintain the highest possible quality of the surface waters of Washington" and "Ensure that all human activities that are likely to contribute to a lowering of water quality, at a minimum, apply all known, available, and reasonable methods of prevention, control, and treatment (AKART)."

"The department shall employ or require chemical testing, acute and chronic toxicity testing, and biological assessments, as appropriate, to evaluate compliance with subsection (1) of this section and to ensure that aquatic communities and the existing and designated uses of waters are being fully protected."⁵

While the permit materials discuss consultation with NOAA per the endangered species act (ESA) regarding certain pollutants (PAH)⁶, there is no mention of the ongoing discharge of PFAS. We suspect that NOAA was not aware of this discharge. This is yet another reason for extending the comment period, providing time for additional consultation regarding ESA listed species in light of this new information. Controlling and reducing this ongoing pollution is going to do more to help Orca than the public education required by the draft permit.

In sum, we urge additional time for public and agency consultation so that the permit may address this newly disclosed unpermitted ongoing pollution.

While this recommendation is couched in terms of cleanup in central Puget Sound, the omission of the NAS Whidbey generated PFAS emission is likely because it was unknown.

⁴ WAC 173-201A240(1)(2).

⁵ WAC 173-201A-300.

⁶ p. 10-11. Fact Sheet; National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Stormwater Discharges to: Naval Air Station Whidbey Island, Washington WAS026611.